

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVE DALE PERCELLE,

Plaintiff,

v.

S. PEARSON, et al.,

Defendants.

Case No. 12-cv-05343-TEH

**ORDER REQUIRING JOINT
STATEMENT RE: PARTIES'
STIPULATED PROTECTIVE
ORDER**

On March 7, 2014, Defendants filed an administrative motion for entry of a stipulated protective order to apply in this case. As the stipulated protective order departed from the Northern District of California's model protective order, the Court's standing order required the parties to submit a declaration identifying and explaining those departures. The parties, however, failed to comply with that requirement. Nevertheless, in their administrative motion, Defendants stated generally that they had departed from the model order "because discovery in the case might involve production of documents that implicate the safety and security of California prisons, prison staff, inmates, and the general public." Docket No. 74.

The Court has reviewed the stipulated order, and finds that in addition to other reasonable departures it omits language contained in the model protective order at section 5.1 prohibiting mass, indiscriminate, and routinized confidentiality designations, and also omits language contained in the model order at section 6.3, setting out the process, schedule, and relevant burdens for judicial intervention and resolution of any challenges to confidentiality designations. The Court is doubtful that these two modifications are

justified by Defendants' explanation regarding safety and security concerns. The Court therefore requires that on or before **March 19, 2014**, the parties provide a joint statement explaining the reasons for these two particular modifications. Failure to submit the statement will result in the denial of Defendants' administrative motion.

IT IS SO ORDERED.

Dated: 3/13/14



THELTON E. HENDERSON
United States District Judge